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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,044	05/01/2001	Athar Shah	60,130-1048/01MRA0236	4502

7590

03/15/2002

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EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 03/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/846,044

Applicant(s)

SHAH, ATHAR

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3634

### ***Election/Restrictions***

Applicant's election of Group I in Paper No. 3 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 8-10 and 17-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "is provided" on line 1 can be easily implied and therefore should be deleted. Recitations such as "the regulator" on line 2 are confusing since it is unclear if the applicant is referring to the regulator assembly set forth above or if the applicant is attempting to set forth another element in

Art Unit: 3634

addition to the one set forth above. On line 2, it is suggested that the applicant change "the panel" to --a panel-- to avoid confusion. On line 8, "opposing end portions of the belt" is confusing since it is unclear how a continuous belt can have opposing end portions. On line 10, "movable relative thereto" is confusing since it is unclear how a toothed belt and a toothed drive pulley can move relative each other. Correction is required. See MPEP § 608.01(b).

With respect to the title, it is suggested that the applicant delete "type" to avoid confusion.

### ***Claim Rejections - 35 USC § 112***

Claims 1-7 and 11-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "said pulley engaging said belt and moving relative thereto" on lines 7-8 of claim 1 render the claims indefinite because it is unclear how the belt can move relative to the drive pulley. It appears that because of the teeth of the belt and the teeth of the pulley engage, the belt cannot move relative to the pulley. Recitations such as "a timing belt" on line 1 of claim 2 render the claims indefinite because it is unclear what the applicant is attempting to set forth. How does a "timing" belt differ from a belt? Recitations such as "belt" on line 1 of claim 4 render the claims indefinite because it is unclear if the applicant is referring to the belt set forth above or is attempting to set forth another belt in addition to the one set forth above. Recitations such as "said brackets

Art Unit: 3634

includes stops" on line 1 of claim 6 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as "opposing portions of said belt" on line 2 of claim 11 render the claims indefinite because it is unclear how a continuous belt can have opposing portions.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Adachi '678. Adachi '678 discloses a regulator assembly comprising a glass support member 18 for supporting a pane of glass 14, a drive motor 28 producing a drive force for moving the glass support member between open and closed positions, a flexible timing belt 20 having a profile, the belt interconnecting the drive motor and the glass support member, a pulley 26 with a complementary profile to the profile to the flexible belt, the pulley engaging the belt and movable relative thereto in response to the drive force, spaced apart guides 16, and a rod (not numbered, but seen in figure 3) to maintain a distance between opposing portions during installation of the assembly onto a door.

***Claim Rejections - 35 USC § 103***

Art Unit: 3634

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi '678 as applied to claims 1-4, 7 and 11 above, and further in view of Shibata '966. Shibata '966 discloses a regulator assembly comprising pulleys 38 and 40 supported by spaced apart brackets 24 and 28 that include stops.

It would have been obvious to one of ordinary skill in the art to provide Adachi '678 with brackets, as taught by Shibata '966, to more securely mount the regulator assembly to the vehicle door.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Colell, Pickles et al., Cuyl, Osborn et al., Shibata et al. and Shibata '441 are cited for disclosing a belt driven regulator assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone

Art Unit: 3634

numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, reading "Gregory J. Strimbu". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
March 10, 2002